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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,141	09/19/2005	Dragan Petrovic	L7725.05102	2436
52989 7590 01/10/2008 STEVENS, DAVIS, MILLER & MOSHER, LLP 1615 L. STREET N.W. SUITE 850 WASHINGTON, DC 20036			EXAMINER MILLS, DONALD L	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,141

Applicant(s)

PETROVIC ET AL.

Examiner

Donald L. Mills

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/20/2005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 31 is objected to because of the following informalities:

Regarding claim 31, line 2, the term "carryies" should be corrected to – carries –.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Vayanos et al. (US 2005/0022098), hereinafter referred to as Vayanos.

Regarding claims 30 and 32, Vayanos discloses data delivery in conjunction with a hybrid automatic retransmission mechanism in CDM communication systems, which comprises:

Reserving at least one HARQ process out of the plurality of HARQ processes in accordance with at least one resource allocation parameter (See paragraph 0058;) and

Restricting employment of the at least one reserved HARQ process for a data flow having a separate data flow identifier (See paragraph 0106,) or a logical channel identifier as the resource allocation parameter (See paragraph 0066.)

Regarding claims 31 and 33, Vayanos discloses the *reserved HARQ process carries signaling data for radio resource control or other higher layer signaling (See paragraph 0083.)*

Response to Arguments

4. Applicant's arguments filed 10 December 2007 have been fully considered but they are not persuasive.

Rejection Under 35 USC 102

On page 8 of the remarks, regarding claims 30 and 32, the Applicant argues Vayanos does not disclose *reserving at least one HARQ process in accordance with at least one resource allocation parameter and restricting employment of the least one reserved HARQ process for a data flow having a separate data flow identifier or a logical channel identifier as the resource allocation parameter*. The Examiner respectfully disagrees. The claims are very broad in nature and the Examiner utilizes a broad literal reasonable interpretation. Vayanos discloses utilizing TSNs in order to ensure the proper recovery of sequenced packets. The Examiner interprets the "multiple HARQ processes" as relating to the multiple reordering processes and the "resource allocation parameter" as the correct sequence order. With this in mind, the "restricting employment" relates to the recovery process of a particular sequence. Therefore, Vayanos discloses *reserving at least one HARQ process in accordance with at least one resource allocation parameter and restricting employment of the least one reserved HARQ process for a*

data flow having a separate data flow identifier or a logical channel identifier as the resource allocation parameter. The Applicant goes on to argue, "Specifically, none of the processes in Vayanos is described as being reserved for special use to allow high priority signaling in accordance with a resource allocation parameter...;" however, the claim language does not clearly reflect such limitations. Should the Applicant desire a more specific interpretation, as argued above, they should consider claim amendments that reflect such an intention.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Mills whose telephone number is 571-272-3094. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald L Mills/

December 30, 2007


CHI PHAM
SUPERVISORY PATENT EXAMINER
1/7/08